

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION, et al.)	
Plaintiffs)	Civil Action No.
)	1:05cv01004-ESH
v.)	
U.S. DEPARTMENT OF JUSTICE, et al.)	
Defendants)	
)	

**JOINT NOTICE REGARDING IN CAMERA SUBMISSION
OF DOCUMENTS IN DISPUTE**

PLEASE TAKE NOTICE that defendants, the United States Department of Justice, et al., will submit to the Court unredacted copies of those documents that defendants have produced, with redactions, to plaintiffs in response to their Freedom of Information Act (“FOIA”) requests concerning the policies and procedures of the National Joint Terrorism Task Force (“NJTTF”). Defendants redacted the documents pursuant to FOIA exemption claims which plaintiffs, by and through counsel, have informed defendants that plaintiffs wish to challenge. Accordingly, as discussed during the July 13, 2006 telephone status conference with the Court, the parties request that the Court conduct an in camera, ex parte review of these documents to evaluate defendants’ claims that their redactions are appropriate pursuant to FOIA exemptions 1, 2, 5, 6, 7(A), 7(C), 7(D) and 7(E). While some of these documents may also contain redactions pursuant to FOIA exemption 7(F), plaintiffs do not challenge any redactions made on that ground. The parties respectfully rest on their legal arguments concerning these exemptions made during litigation of defendants’ earlier Motion for Partial Summary Judgment. See Docket Entry Nos. 31-33; see also Docket Entry No. 36 (Memorandum Opinion of the Court).

Accordingly, pursuant to the parties' agreement, defendants will submit to the Court for its in camera, ex parte review the following 13 documents, identified by plaintiffs and totaling 37 pages:

- Documents 1 (Bates no. 1), 102 (Bates no. 496), 167 (Bates nos. 1215-16), 172 (Bates nos. 1243-44), 263 (Bates no. 2450), 274 (Bates Nos. 2562-2564), 287 (Bates no. 2675), 288 (Bates nos. 2678-2679), 289 (Bates no. 2681), 290 (Bates no. 2684), 291 (Bates nos. 2704-21), 292 (Bates nos. 2732-34), and 295 (Bates no. 2740).

In addition, defendants will include in their submission approximately 30 additional pages (printed on yellow, rather than white, paper) that provide context for some of the 13 disputed documents.* The additional "context" pages will be grouped with the individual documents to which they pertain.

For the Court's convenience, the submission will include both a "read-through" version of the 13 documents at issue in which redacted portions are identified by shading, as well as an unredacted version of the same set of documents. Defendants will also file a Vaughn declaration and index describing the documents and pertinent exemption claims.

Because this submission contains material classified at the SECRET level, defendants respectfully request that the Court notify defendants, through undersigned counsel, when it has completed its review so that defendants may once again take custody and control of the classified documents. Defendants understand that the Court's law clerk assigned to this matter is cleared to see this material; that it will not be accessible to other, non-cleared staff; and that it will be stored in an approved, secure container.

* Defendants are providing the Court with such additional context pages for document numbers 102, 263, 274, 287-291, and 295.

Dated: August 2, 2006

Respectfully Submitted,

FOR THE DEFENDANTS:

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